



NATURAL RESOURCES DEFENSE COUNCIL

May 4, 2006

Tom Sinks, Ph.D.  
Acting Deputy Director  
Agency for Toxic Substances and Disease Registry  
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Atlanta, GA 30345  
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Dear Dr. Sinks:

My colleagues and I appreciate having had the opportunity to meet with you last month to discuss the health implications of sediment and soil contamination in New Orleans. As we discussed, NRDC has continuing concerns that high levels of contamination (including arsenic, lead, PAHs, and petroleum compounds) may present an unacceptable level of risk for returning residents over the long term. This is especially the case for more sensitive individuals such as children.

While we found our recent discussion with you very helpful, nothing we heard allayed our concerns. Indeed, in light of the apparent lack of formal analysis so far, we are more convinced than ever that a comprehensive risk assessment is needed to determine what and where the risks are. In our view, such analysis should include, among other things, a realistic risk assessment that accounts for the NAS's conclusions on the risk associated with exposure to arsenic. I am attaching a letter that we sent to the Louisiana Department of Environmental Quality (LDEQ) in which we asked them many of the same questions that we raised with you. I am also attaching LDEQ's response letter. As you can see from this exchange, LDEQ did not answer our questions about whether and how it has considered important risk-related factors (such as routes of exposure, fate and transport, and sensitive populations), nor did LDEQ directly address our concerns regarding potential long-term health effects.

To the extent that you can shed any light on the issues we raised in our letter to LDEQ, we would very much appreciate your substantive input. Additionally, I am including below a few follow-up questions that we compiled after last month's meeting. We are very interested in hearing your reactions to these questions, and would also be interested in getting substantive reactions to these questions from U.S. EPA and from LDEQ.

### Questions Regarding Post-flood Contamination in New Orleans Area Soil and Sediment

- Have the Agencies concluded that the arsenic levels in soil and sediment were the same prior to the flooding as after the flooding? If so, on the basis of what data have they made that determination?
- Has a written hazard evaluation or risk assessment been conducted for any of the following scenarios for lead, arsenic, diesel-range organics, benzo(a)pyrene, or any other contaminant? (1) a worker involved in clean-up who is handling or disturbing sediment; (2) an adult who is moving back into a home where there is sediment in the house and yard; (3) a child who is living in a home where there is sediment in the house and yard, at the daycare center, and at the school. If such risk assessments or hazard evaluations have been done, may we see them?
- If no such hazard evaluation or risk assessment has been conducted, are there plans to do so? If not, why not?
- EPA and DEQ recently re-tested 10 of the sites in Orleans Parish previously found to have elevated arsenic levels in soil or sediment. However there were 32 sites in Orleans Parish previously reported by EPA as having arsenic concentrations over 22 mg/kg<sup>1</sup>, and 97 sites with arsenic concentrations previously measured over the LDEQ RECAP level of 12 mg/kg. Are there plans to re-test these sites? If not, why not?
- EPA and DEQ recently re-tested 5 sites in Orleans Parish for benzo(a)pyrene. According to the prior EPA sampling results, 66 sites exceeded the DEQ RECAP screening level of 330 µg/kg. Are there plans to re-test these sites? If not, why not?
- In the recent round of re-testing, EPA and DEQ did not test for diesel range organics. According to their prior results, there were 105 sites in Orleans Parish with concentrations of diesel range organics above the RECAP MO-1 level of 650 mg/kg. Are there plans to re-test these sites? If not, why not?
- Have ATSDR, EPA, and DEQ concluded that the concentrations of contaminants in the New Orleans area are safe for children? If so, what is the basis for that conclusion? If not, what is the plan to address the unsafe condition?
- Who, at this point, is making decisions regarding whether or not to perform a more comprehensive assessment of risk with respect to the contaminants

<sup>1</sup> One of these sites, at 8130 Aberdeen Street, has since been cleaned up by collaboration between the Deep South Center for Environmental Justice and the United Steelworkers of America. One other site is noted to be at a golf course.



mentioned above? Can ATSDR undertake such an assessment on its own initiative? If not, why not?

- Has ATSDR, EPA, or LDEQ considered, in any formal or informal risk assessment, the fact that the NAS has concluded that arsenic may be significantly more toxic than current risk assumptions acknowledge? Should any risk assessment that is performed incorporate realistic risk assumptions that consider conflicting data on arsenic toxicity? If not, why not?

Once you have had a chance to consider the issues raised in our letter to LDEQ and the questions outlined above, we would like to reconvene, preferably at a time when Dr. Frumkin can join us, to discuss these matters further. Again, thank you very much for meeting with us, and we look forward to hearing from you soon.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Patrice Simms', with a stylized flourish at the end.

Patrice Simms  
Natural Resources Defense Council